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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
07 DEC -3 AM 9:43

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus Ogeso GARCIA,

Defendant

Magistrate Docket No.

'07 MJ 2785

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **November 29, 2007** within the Southern District of California, defendant, **Jesus Ogeso GARCIA**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3<sup>rd</sup> DAY OF December, 2007



Ruben B. Brooks  
UNITED STATES MAGISTRATE JUDGE

## CONTINUATION OF COMPLAINT:

Jesus Ogeso GARCIA

## PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On November 29, 2007 Senior Border Patrol Agents G. Regalado and M. Moccia were assigned to work the S-2 corridor. S-2 is a known alien smuggling corridor that traverses east San Diego County from Interstate 8 near Ocotillo, California through the BLM lands around Anza-Borrego. S-2 ends east of Lake Henshaw near Warner Springs, California. Many alien smuggling loads have been apprehended in this area in the recent past.


While the agents were sharing information with BLM Ranger B. Kent all of them observed a white Nissan Titan with California plates pass their location. As the vehicle passed by it crossed over the double yellow lines that divide the state highway. Observing this violation BLM Ranger Kent decided to perform a vehicle stop on the Nissan. Agents Regalado and Moccia followed Ranger Kent as his back up. The vehicle yielded near the 30 mile marker on S-2.

As Agent Regalado and Ranger Kent approached the pick-up several people were seen attempting to conceal themselves under a black tarp. Finding this manner consistent with people attempting to be smuggled into the United States, the agents identified themselves as federal agents and questioned the driver as to his citizenship. The driver admitted that he was a citizen of Mexico illegally present in the United States. The remaining five individuals in the truck were questioned as to their immigration status. All, including the defendant, Jesus Ogeso GARCIA, admitted to being citizens of Mexico illegally present in the United States. All were taken into custody and transported to the Murrietta Border Patrol Station. The time was 11:30 AM.


Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on May 1, 2006 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admitted that he crossed on November 29, 2007 in the early morning hours near Mexicali, Mexico. The defendant's intended destination was to be San Bernadino, California. The defendant admits that he knew it was illegal for him to return to the United States.

Executed on December 1, 2007 at 8:30 a.m.

  
Ismael A. Canto  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on November 29, 2007, in violation of Title 8, United States Code, Section 1326.

  
Ruben B. Brooks  
United States Magistrate Judge

Date/Time

12/1/07 at 9:00 a.m.